November 26, 2002

Electronically Filed

Marlene Dortch
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers - CC Docket Nos. 01-338, 96-98 and 98-147 - Written *Ex Parte*

Dear Ms. Dortch;

In recent weeks, WorldCom, Inc. (WorldCom) has made a number of *ex parte* submissions in the above-captioned dockets related to the potential role that enhanced extended loops (EELs) could play in developing unbundled loop based competition. On November 13, 2002, WorldCom, Inc. (WorldCom) submitted a written comments to Commission staff concerning the viability of DS0 Enhanced Extended Loops (DSO EELs). These comments expand upon WorldCom's previous *ex parte* presentation involving DS0 EELs to the Commission entitled "Delivering Local Competition to the Mass Market: Considerations for Transitioning to UNE-L Based Strategy" made on November 5, 2002. In addition, on November 18, 2002, WorldCom submitted a legal memorandum in these proceedings entitled "Legal and Policy Considerations with respect to EELs."

Both Eschelon Telecom, Inc. (Eschelon) and Broadview Networks (Broadview), serve tens of thousands of business and residential customers via unbundled loops. Together the companies have built out several hundred collocations to serve their "on-net"[1] customers. Consequently, both companies have substantial experience with unbundled analog loop hot-cuts and with deploying DLC equipment to serve those loops. Both Eschelon and Broadview also have an interest in expanding their "on-net" business and in converting, as it is economically rational to do so, their "off-net" business into "on-net" business.

[1] By "on-net" we refer to wire centers in which the companies have collocated and installed DLC equipment. Other wire centers in their markets in which they have not collocated are termed "off-net" areas. The companies serve their multi-site customers who have "off-net" locations with UNE-P.

Talk America, Inc. (Talk America) currently serves hundreds of thousands of residential customers using UNE-P. Talk America has joined with Broadview, Eschelon, and a number of other CLECs (collectively the UNE-P Coalition) in proposing to the Commission a transitional scheme that would encourage CLECs to deploy facilities and migrate UNE-P customers to their facilities while maintaining UNE-P as an entry and customer aggregation vehicle.

To the extent that the Commission views encouraging additional reliance upon EELs as substitute for UNE-P, and therefore as a basis for rejecting the UNE-P Coalition's proposal to maintain UNE-P as a mechanism to encourage facility deployment, the UNE-P Coalition has very grave concerns. While it is theoretically technically feasible to deploy DSO EELs[2] to provide service on a very limited basis, doing, using DSO EELs to provide service to the thousands of residential and small business customers served via UNE-P today, is not feasible. Hot-cutting customers to DSO EELS is much more complicated than unbundled loop hot-cuts, with attendant problems for end-users. In addition, large scale deployment of DSO EELs would significantly degrade the operational reliability and serviceability of the public switched telephone network (PSTN). Given these consequences, the UNE-P Coalition urges the Commission to reject any thought that DSO EELs could provide a workable substitute for UNE-P as the market entry vehicle envisioned in the Coalition's proposal.

This is not Eschelon's first *ex parte* on DSO EELs. On October 17, 2002, Eschelon filed an *ex parte* responding to Commission staff's questions concerning the viability of operating and maintaining a network in which DSO EELs have been widely deployed. WorldCom's November 13th *ex parte* acknowledges the issues raised by Eschelon's October 17th comments, but brushes them aside with the judgment that these do not appear to be "insurmountable obstacles." Eschelon together with the other members of the UNE-P Coalition, does not believe regulators should base key policy decisions upon whether the difficulties their implementation entails are "insurmountable."[3] The appropriate measures for assessing a policy that could extensively affect network design is whether its implementation is operationally practical and whether it enhances or degrades the reliability of the PSTN.

In this *ex parte*, the UNE-P Coalition elaborates upon the many practical difficulties of deploying DSO EELs on the wide scale contemplated by WorldCom's proposal. We definitely agree with WorldCom that line concentration is a viable technology. Every CLEC operating a collocation serving analog lines deploys DLC equipment and uses concentration technology today. The technical and operational issues we see do not arise from concentration itself; they arise from the use of the DSO EEL. We consider the principle difficulties can be divided into complications of the hot-cut process and the impairment of testing and maintenance

As the Coalition understands WorldCom's November 13th *ex parte* as essentially proposing the widespread use of virtual shared collocation. The RBOCs will furnish

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[2] To the Coalition's knowledge, no carrier has deployed *any* DSO EELs today.
[3] WorldCom's *ex parte* of November 13, 2002, at 4.

DLC equipment in each central office and provide multiple CLECs access to that equipment. In a hot cut, the RBOC will lift and lay the loop to its DLC equipment. This DLC equipment must potentially serve multiple CLECs each of whom may be using different switching equipment. One or more transmission links will connect the RBOC's DLC to each CLEC's switch, with potentially one or more cross connections at intermediate points. These links will need to be established in advance of the hot cut, but neither the CLEC nor the RBOC will be able to determine whether they work until the hot cut is complete.

It is unlikely that RBOCs will permit any CLEC, much less multiple CLECs, to have electronic access to their DLC equipment because of the risks that doing so will jeopardize service to others.[4] Thus, the service order to the RBOC will need to provide the RBOC with all of the instructions for programming the DLC to operate correctly with the CLEC's switch. Obviously, this creates a potential for problems, especially in comparison to today's hot cut process, because CLECs have the capability to buy switches and DLC equipment that permit program instructions sent to the switch to flow through to the DLC equipment. Instead of flow through, establishing DSO EEL service will rely upon two parallel manual entry processes with all the attendant risks of error.

Correctly programming the DLC equipment will not be a simple task. The first major difficulty is that not all DLC equipment is capable of supporting multiple host switches. Some DLC equipment cannot support more than two hosts. The manufacturer of Eschelon's DLC equipment advises against configuring the equipment to support two hosts because of operational difficulties. To the extent the DSO EEL proposal contemplates multiple CLEC switches interfacing with each DLC unit, it simply will not work.

The second major difficulty arises from the fact that there are many manufacturers of DLC equipment and significant differences exist among the equipment they produce. Lucent, Alcatel, AFC and Zhone all make DLC equipment that conforms to the GR303 standard. However, each line of equipment has unique operational characteristics. Zhone equipment for example, supports four different types of line cards and comes in various sizes with respect to possible port assignments. The CLEC will need to identify the particular line card required by its customer's equipment, e.g. Loop Start, Ground Start, ISDN, P-phone, Message Waiting Lamp Indicator, etc. For the customer to receive service, the RBOC must have the appropriate line card installed in its DLC equipment, and either figure out how to assign the CLEC order to the right card or communicate card assignments to the CLEC so that its provisioners put the correct assignment information in the order.

If the programming done in the DLC equipment by the RBOC does not exaclty match the programming done by the CLEC in the CLEC's switch, the line will fail. Like the cross connects for the segments of the EEL which WorldCom correctly observed could be done in advance of the hot cut, so too could this programming be done in

[4] For example, Eschelon does not permit its provisioners to have dial-in access to its DLCs because of the potential for mistakes.

advance.[5] However, just as with the cross connects, until the hot cut is complete, there is no way of determining whether the programming was done correctly.

Consequently, the third major difficulty with DSO EEL hot cuts is that CLECs will have no visibility into the hot cut process. Today, CLECs can use the test head in their DLC equipment, which they can access remotely through their switch, to test and determine when a lift and lay is complete. With DSO EELS, CLECs will have no method for determining whether any necessary pre-work has been done correctly and no way of knowing, except via a communication from the RBOC, as to whether the hot cut should be complete.

The different characteristics of DLC equipment, and the different ways in which RBOCs may configure the several different types of equipment they may have, means that CLEC personnel will need much information about each and every office in which they place an order. Unbundled loop hot cuts are sufficiently demanding on RBOCs and CLEC alike. DSO EEL hot cuts will be many orders of magnitude more difficult.

Turning to the operational and maintenance difficulties of DSO EELS, we note that today Eschelon is able to test through its switch to determine if there is a problem with the loop or a jumper, or an off-hook condition at the customer premise. Eschelon submits test reports to the RBOC prior to asking the RBOC to test its side of the network for troubles. If Eschelon did not provide a test report, the RBOC would charge Eschelon for testing Eschelon's side of the network as well. With DSO EELS, the CLEC will not be able to test anything to the customer's side of the switch port. Every trouble reporting service call to the CLEC will likely result in it making payments to the RBOC for testing. The fact that CLECs will be sharing the RBOC's DLC will present opportunities for CLECs to cause each other outages and failures as well.

To our knowledge, WorldCom does not provide analog line service, at least not to a significant extent. Our experience is that WorldCom's main business focus is at the T-1 level and above. Eschelon and Broadview today operate several hundred GR303 standard DLC units. These companies perform thousands of analog line hotcuts every month. They do think they have a substantial basis for appreciating just how difficult WorldCom's DSO EEL proposal would be to implement.

The UNE-P Coalition requests that the Commission not follow WorldCom in assuming away all the process difficulties that DSO level EELs would entail. Many processes will need to be developed to provide accurate orders and their proposal promises to impose substantial costs on RBOCs and CLECs alike only to provide end users with an inferior mechanism for switching carriers and a less reliable and serviceable network. Getting a man on the moon did not present "insurmountable" difficulties, but it did require tremendous expenditures of time and effort. We are unaware of anyone who has spent any time or effort on deploying DSO EELs. We respectfully request that the Commission refrain from ordering the industry to "put a man on the moon" with unproven, untried processes.

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[5] WorldCom's *ex parte* of November 13, 2002, at 4-5.

In accordance with the Commission's rules, this letter is being filed electronically and is provided to you for inclusion in the public record of each of the above-referenced docketed proceedings on behalf of Eschelon Telecom, Broadview Networks, and Talk America.

If you have any questions regarding this filing, please contact Jeffrey Oxley at (612) 436-6692.

Respectfully submitted,

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